

## **REMARKS/ARGUMENTS**

### **Status of the Claims**

Before this Response, claims 1-3 and 6-20 were present for examination. No claims are amended, canceled, or added. Therefore, claims 1-3 and 6-20 are present for examination, and claims 1, 12, and 20 are the independent claims.

The Final Office Action dated May 8, 2007 ("Office Action") rejected claims 1-3 and 10-20 under 35 U.S.C. §102(e) or 103(a) as being anticipated by the cited portions of Quintana, U.S. Publication 2004/0100646 ("Quintana"). The Office Action rejected claims 6-9 under 35 U.S.C. §103(a) as being unpatentable over Quintana in view of additional cited art. Applicant respectfully requests reconsideration for the reasons that follow.

### **35 U.S.C. §102(e)/103(a) Rejections, Quintana et al.**

The Office Action rejected independent claims 1, 12, and 20 under 35 U.S.C. §102(e) as being anticipated by Quintana. For a valid anticipation rejection, the Office must show that each limitation from the claims appears in a single piece of prior art. Applicants, however, believe that significant limitations from the independent claims are not taught or suggested by Quintana.

Specifically, Quintana cannot be relied upon to teach or suggest outputting a selected one of a first color or second color as a final pixel color, as recited generally in claims 1, 12, or 20.

The independent claims generally provide for selecting between a "first color" and "second color" for output to a display. But in Quintana, there is no selection between a first color and a second color. Instead, the method disclosed in Quintana "determines whether an output pixel for a color component of an image pixel should be output (102)" (Quintana, ¶14).

In Quintana, the determination involves whether to output an output pixel, *or not* (See Quintana, ¶15 "an output pixel [that] has not been output means the output has an off state";

in ¶18 the method "determined to not output an output pixel"; in ¶26, the method determines "whether an output pixel should be output"; in ¶32, "no output pixel has been output"). A decision *not to output* a color for a pixel differs from a decision to select a second color for an image pixel.

The Final Office Action appears to assert that this is merely a matter of semantics, stating that in Quintana, "a pixel that is... not output still has a 'final pixel color', that pixel color being equivalent to white" (Final Office Action, p. 2, ll. 9-10). This assertion is incorrect, as the decision to not output a pixel in Quintana does not as a matter of course produce the color white. Instead, in Quintana:

if the method 100 has determined to ***not output*** an output pixel for the color component in 102 (104), and there are further color components of the image pixel (110), ***then the method 100 proceeds to advance to the next color component (112), and repeats 102, 104,*** and so on. For example, where the method 100 starts with the darkest color component, it then advances to the next-darkest color component, and so on, until the lightest color component is reached. (Quintana, ¶18)

In Quintana, therefore, a determination to not output an output pixel causes the output determination process to continue for a next darkest color component. A decision to not output a pixel in Quintana does not as a matter of course cause "white" to be output. The decision to not output a pixel in Quintana causes no output pixel to be output for that color, and triggers other color determinations for the pixel to be undertaken.

Moreover, once an output pixel is output, other color components of the current pixel are spaced out to other pixels (Quintana, ¶17). This further illustrates differences between the teachings of the reference and the claims. Aspects of Quintana are specifically directed to spacing out output of output pixels (*See* Quintana, ¶17 and claim 1). In Quintana, the decision to output triggers spacing of other color components of the current pixel, while the decision not to output triggers additional color determinations for the current pixel. This closer examination of Quintana illustrates how the printer-focused technique of Quintana fails to suggest the limitations set forth in the claims.

The Office concedes in the Response that in Quintana, a "pixel ... is turned off, or not output," which plainly differs from the present claims (Final Office Action, p. 2, l. 9). The Office nonetheless appears to contend that a decision to **not output an output pixel** in Quintana is *equivalent* to the decision to **output the second color** for the current pixel, as set forth in the claims.

In the Final Office Action, no cite is made to a reference in the art *itself* for this assertion. The Applicant, thus, assumes that no such cite exists. Therefore, the Applicant assumes Official Notice is being relied upon to assert that knowledge generally available in the art teaches that a decision to **not output an output pixel** is the same as the decision to **output the second color** for the current pixel.

If this rationale is maintained, an express showing of documentary proof is hereby requested to support these elements, as the documentary proof procedure is set forth in MPEP § 2144.03. The MPEP provides that Official Notice without documentary evidence is only appropriate in "rare" cases. MPEP § 2144.03(A). "It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." *Id.*

The Applicant has therefore "specifically point[ed] out the supposed errors in the examiner's action." MPEP 2144.03(C). Because of this traversal "the examiner **must provide documentary evidence** in the next Office action if the rejection is to be maintained." MPEP 2144.03(C) (emphasis added). Moreover, "[i]f the examiner is relying on **personal knowledge** to support the finding of what is known in the art, the examiner must provide an **affidavit or declaration** setting forth **specific factual statements** and explanation to support the finding. MPEP 2144.03(C) (emphasis added).

In Quintana, there is no selection between a first color and a second color. Instead, the decision is "whether an output pixel should be output for a color component of an image pixel," or not (Quintana, ¶26). Quintana involves the determination of whether to output a

given color or to output nothing. This is different than a selection between two colors, and an output of the selected color.

Applicant respectfully submits that the specified limitations in independent claims 1, 12 and 20 are allowable for at least the foregoing reasons. Claims 2, 3, 6-11 and 13-19 each depend from these independent claims, and are believed allowable for at least the same reasons as given above. Applicant, therefore, respectfully requests that the §102(b) and §103(a) rejections to these claims be withdrawn.

### **CONCLUSION**

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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